

Nationwide Permit 401 and CZC General Conditions
Certified May 11, 2007

EXPLANATION, EVALUATION, AND PROPOSED ACTION OF THE NATIONWIDE PERMITS

General Conditions: These conditions apply to all of the nationwide permits (NWP) unless otherwise noted. A project proposed for authorization under a NWP should not be considered unless it meets all of the following general conditions plus any special conditions listed for each NWP.

1. SCDHEC considers a "single and complete project" to mean the overall project proposed or accomplished by a single owner/developer and it includes all land within the project boundary under single ownership. It is not interpreted to mean only the land area directly impacted by each NWP request. Impacts to Geographical Areas of Particular Concern (GAPC) sites or adjacent waterbodies or wetlands resulting from an activity will be considered during the review of these actions.

2. Activities in Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters (as defined in R. 61-68), springheads or aquatic sites located adjacent to those areas, are not certified.

3. Activities in areas identified by SCDHEC as having impaired uses (as defined by 303(d) of the Clean Water Act) are not certified.

4. All NWP applications must be accompanied by a Corps verified wetland delineation identifying **all** wetlands (jurisdictional and nonjurisdictional), depressional areas or other special aquatic sites within the project area.

5. For projects requiring fill in wetlands, the applicant must demonstrate that impacts to wetlands have been avoided; unavoidable impacts to wetland areas have been minimized, and provide suitable compensation for any unavoidable wetland impacts. This sequencing should be presented in all permit applications. Additional sequencing regarding appropriate compensation (onsite, within watershed, outside watershed, etc.) must also be demonstrated. Where compensatory mitigation is required, on-site compensatory mitigation, in accordance with the provisions of the S. C. Coastal Zone Management Program in the Coastal Zone, must be pursued if at all possible. Compensatory mitigation must be determined using the Corps Standard Operating Procedure (SOP), where required by the Corps or in a Specific Condition of the 401 or CZC Certification. Compensatory mitigation plans must be included in the application submitted to the Corps by the applicant and in the package copy furnished to SCDHEC by the Corps. Proof of purchase of compensatory mitigation credits or execution of the deed restriction, restrictive covenant, or conservation easement document, if part of the submitted compensatory mitigation plan, must be submitted to both the Corps and SCDHEC prior to commencement of the activity authorized by the permit issued by the Corps. Although the permit may be issued pending resolution of a compensatory mitigation plan, the work authorized by that permit may not commence until the compensatory mitigation plan is approved and finalized, as described above.

6. Activities in the Critical Areas (as defined in 48-39-10, R 30.1(D) and R 30.10) require a direct permit from SCDHEC-OCRM. SCDHEC OCRM's action on direct critical area permits will serve as the consistency determination for the critical area activity.

7. SCDHEC's Emergency Response Team must be contacted immediately in the case of a spill.